

REMARKS

Claims 1-34 are pending in the present application, with claims 1-3, 9-14, and 21-34 amended without the introduction of new matter (see, e.g., Applicants' published patent application, FIGs. 5-14 and discussion thereof).

Referring now to the present Office Action, claims 1-34 were rejected based on obviousness type double patenting over USP 6,708,157, and claims 1-10 and 21-26 were rejected as under 35 U.S.C. §101 based on non-statutory subject matter.

In response to the double patenting rejection, Applicants will submit a Terminal Disclaimer over USP 6,708,157, if still needed in view of the present claim amendments and after the case is otherwise in condition for allowance.

In response to the 35 U.S.C. §101 rejection, Applicants have amended claims 1-3, 9-14, and 21-34 to correct the noted and discovered informalities. No new matter is introduced. Accordingly, all of the pending claims are in compliance with 35 U.S.C. § 101 and no further rejections on such basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to contact the undersigned attorney, who will be happy to work with the Examiner in a joint effort to derive a mutually satisfactory claim language.

Dependent claims 2-10, 12-26, and 28-34 are allowable for at least the reasons as argued above.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. If, however, the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Respectfully submitted,
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